

CHAPTER 2020-28

No. 310 **AN ORDINANCE IN AMENDMENT OF ZONING ORDINANCE SECTION 1202 "PRINCIPAL USE STANDARDS", AMENDING PARAGRAPH EE "COMPASSION CENTER/CULTIVATION CENTER"**

Approved September 24, 2020

Be it ordained by the City of Providence:

SECTION 1: Section 1202 "Principal Use Standards", Section EE "Compassion Center/Cultivation Center" is hereby amended by making the following changes, with additions underlined:

EE. Compassion Center/Cultivation Center

1. No more than the square footage for which the applicant is licensed shall be permitted for the use. The Zoning Board of Review may, in its discretion, limit the use to less square footage than that for which the applicant is licensed.
2. Any square footage in the property not devoted to the use must be segregated from the facility by a wall or similar structure.
3. The applicant must submit evidence of the following:
 - a. That it has obtained a license or registration to cultivate, acquire and/or dispense in the State of Rhode Island, subject to zoning approval and final inspection of the property by the licensing/registering entity.
 - b. All measures undertaken to contain noise and odors shall demonstrate that it has taken all reasonable measures to contain noise and odors.
 - c. The security plan(s) for the property and the facility.
 - d. Staffing numbers for all hours of each day.
 - e. The number of vehicles that will access the facility on a daily or weekly basis.
4. A Compassion Center or Cultivation Center may not be located within ¼ mile from the property line of another compassion center or cultivation center.
5. A Compassion Center or Cultivation Center may not be located within 1,000 feet from the property line of a preexisting public or private school.
6. Setbacks under this section shall be measured from the nearest property line of the Compassion Center or Cultivation Center using a direct line to the nearest property line of the school, other Compassion Center or Cultivation Center.

SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
SEP 03 2020
FIRST READING
READ AND PASSED

Shawn Dellich CLERK
JHM

IN CITY
COUNCIL

SEP 17 2020
FINAL READING
READ AND PASSED

Sabino Nato
PRESIDENT

John L. Mastrosimone
CLERK
ACTING

I HEREBY APPROVE.

[Signature]
Mayor

Date: 9/25/20



City Plan Commission
Jorge O. Elorza, Mayor

May 20, 2020

Councilwoman Jo-ann Ryan
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3471 – Amendment of ordinance pertaining to Compassion/Cultivation Center
Sponsors: City Councilmen Nicholas J. Narducci and John J. Iglizzi

Dear Chairwoman Ryan,
The City Plan Commission (CPC) reviewed the above referenced ordinance change at a regular virtual meeting on May 19, 2020 and voted to recommend that the City Council further study the amendment in order to provide more information on the location of the subject use.

FINDINGS OF FACT

The sponsors are proposing to amend Section 1202.EE of the ordinance pertaining to Compassion/Cultivation Centers. The amendment adds language pertaining to the location of Compassion/Cultivation Centers, and their measurement relative to other structures. Per the amendment, a Compassion/Cultivation Center shall be separated at least 3/4 of a mile from another Compassion/Cultivation Center, and may not be located within 1,000 feet from the property line of a school.

Based on their discussion at the meeting, the CPC found that more information was required in order to clarify the scope of the amendment. The CPC recommended that the City be mapped with 1,000 foot buffer zones around schools to determine potential locations for the subject use. The CPC also recommended that the amendment be clarified to indicate if it applied to daycare facilities or preschools as that could also affect where the subject uses could be located.

Based on the foregoing discussion, the CPC recommends that the amendment be further studied.

Sincerely,

Administrative Officer
Choyon Manjrekar

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
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www.providenceri.com



City Plan Commission
Jorge O. Elorza, Mayor

July 27, 2020

Councilwoman Jo-ann Ryan
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3471 – Amendment of ordinance pertaining to Compassion/Cultivation Center
Sponsors: City Councilmen Nicholas J. Narducci and John J. Iglizzi

Dear Chairwoman Ryan,
The City Plan Commission (CPC) reviewed the above referenced ordinance change at a regular virtual meeting on July 21, 2020 and voted to recommend that the City Council .

FINDINGS OF FACT

The sponsors are proposing to amend Section 1202.EE of the ordinance pertaining to Compassion/Cultivation Centers. The proposed change was initially heard at the CPCs' May 2020 regular meeting. The amendment adds language pertaining to the location of Compassion/Cultivation Centers, and their measurement relative to other structures. Per the amendment, a Compassion/Cultivation Center shall be separated at least 3/4 of a mile from another Compassion/Cultivation Center, and may not be located within 1,000 feet from the property line of a school. The CPC recommended that the change be further studied. The CPC requested that the City be mapped with 1,000 foot buffer zones around schools to determine potential locations for the subject use. The CPC also recommended that the amendment be clarified to indicate if it applied to daycare facilities or preschools as that could also affect where the subject uses could be located.

The change was again discussed at the CPC's July 2020 regular meeting where the Department of Planning and Development (DPD) presented a map of the City which included buffer zones between schools and other compassion centers. Mr. Robert Azar said that there are currently 753 parcels and approximately 781 acres available for compassion centers in the C-3 and M-1 zones. With the passage of the ordinance, that amount would be reduced to 132 parcels and 138 acres.

A discussion on the ordinance ensued with the CPC taking comment from the proponents and other Commission members. The CPC heard from Councilman Narducci and Mr. Sean Bouchard, Director of Policy and Research who said that the ordinance would stem the proliferation of the use within certain neighborhoods.

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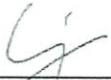
ACTION

Upon a motion by Commissioner Quezada seconded by Commissioner Bilodeau, the CPC voted to make a positive recommendation to the City Council to approve the amendment as proposed, finding it to be in conformance with the Comprehensive Plan and purposes of zoning. The CPC voted as follows:

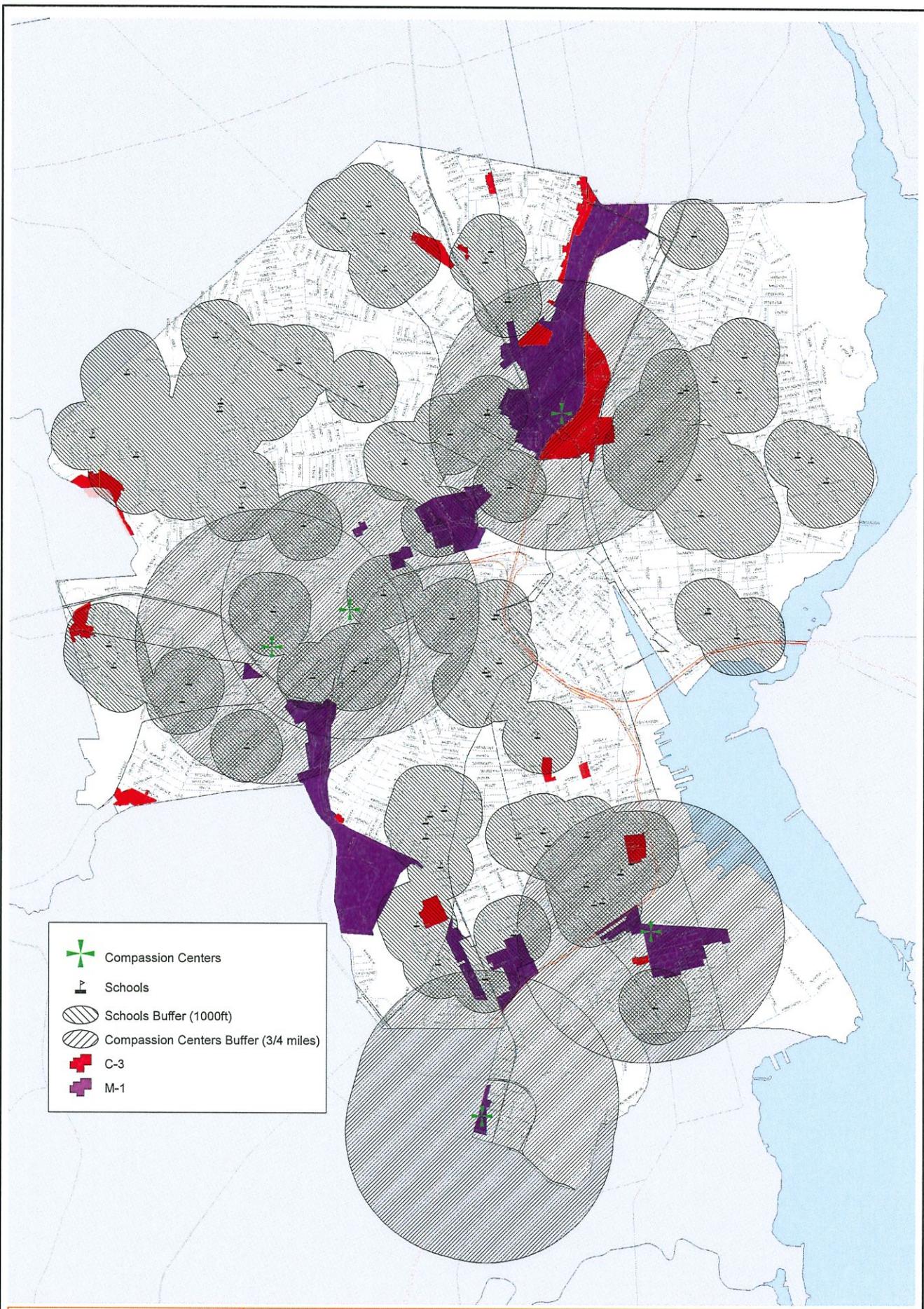
AYE: M. Quezada, H. Bilodeau, C. West, N. Verdi, L. Torrado, C. Potter

Abstain: M. Gazdacko

Sincerely,



Administrative Officer
Choyon Manjrekar



-  Compassion Centers
-  Schools
-  Schools Buffer (1000ft)
-  Compassion Centers Buffer (3/4 miles)
-  C-3
-  M-1

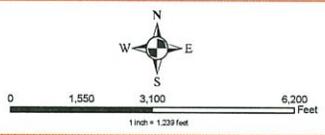
The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis.

Produced by the Providence Planning and Development GIS Lab,
444 Westminster Street, Providence, R.I. 02903

Data Sources:
Providence Geographic Information System

Date: 02/14/2020

Path: H:\Desktop\Compassion_CultureCenter_ARC10_Portal.mxd




PROVIDENCE, RHODE ISLAND

PROVIDENCE THE CREATIVE CAPITAL

DEPARTMENT OF PLANNING AND DEVELOPMENT

JORGE D. ELIZAZA, MAYOR | ERIQUE HODKINS, AICP, DIRECTOR